

ORIGINAL

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

MAR 02 2012

Stephan Harris, Clerk
Cheyenne

L. ROBERT MURRAY
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District of Wyoming
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 10-CR-329-F
)	
MIGUEL ANGEL ORDAZ, aka)	
“Isaias Rivera,” aka “Tomas Hueso, Jr.”)	
)	
Defendant.)	

**GOVERNMENT’S MOTION TO DISMISS
SUPERSEDING INDICTMENT COUNT TEN**

The United States, by and through its attorney, L. Robert Murray, Assistant United States Attorney for the District of Wyoming, hereby moves the court to dismiss count ten of the superseding indictment against defendant Miguel Angel Ordaz, alleging possession of firearms in furtherance of a drug trafficking offense in violation of 18 U.S.C. § 924(c)(1). The predicate drug trafficking offense alleged in count ten – conspiracy to possess with intent to distribute, and to distribute methamphetamine, as alleged in count one – is the same predicate drug trafficking offense alleged in count thirteen. Count thirteen alleges possession of a machine-gun in furtherance of a drug trafficking offense in violation of 18 U.S.C. § 924(c)(1)(B)(ii). Multiple firearms involved in

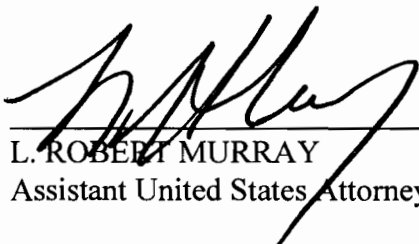
a single drug trafficking offense constitutes a single violation of § 924(c). *See United States v. Henning*, 906 F.2d 1392, 1399 (10th Cir. (1990)).

WHEREFORE, the government respectfully requests the court enter an order vacating the jury's conviction on, and dismiss, count ten of the superceding indictment against defendant Miguel Angel Ordaz.

Submitted this 2nd day of March, 2012.

CHRISTOPHER A. CROFTS
United States Attorney

By:

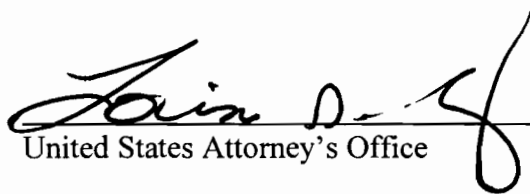


L. ROBERT MURRAY
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2012, a true and correct copy of the foregoing
**GOVERNMENT'S MOTION TO DISMISS COUNT TEN OF THE SUPERSEDING
INDICTMENT** was served upon counsel for Defendant by U.S. Mail:

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